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APPLICATION NO.	FILI	NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/608,967	06/27/2003		B. Raghava Reddy	COS-929	7394	
	7590	09/16/2004		EXAMINER		
David J. Alexander AUGHENBAUGH, W				GH, WALTER		
Fina Technolo	gy, Inc.					
P.O. Box 674412 ART UNIT PAP				PAPER NUMBER		
Houston TX 77267-4412				1772		

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

•			$C \cup C$
	Application No.	Applicant(s)	1.1.
Office Action Summer	10/608,967	REDDY ET AL.	
Office Action Summary	Examiner	Art Unit	
The MAN NO DATE ON	Walter B Aughenbaugh	1772	
The MAILING DATE of this communication Period for Reply	n appears on the cover sheet with	the correspondence addre	ss
A SHORTENED STATUTORY PERIOD FOR R THE MAILING DATE OF THIS COMMUNICATI  - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicatic - If the period for reply specified above is less than thirty (30) days, - If NO period for reply is specified above, the maximum statutory p - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no event, however, may a repion. a reply within the statutory minimum of thirty (period will apply and will expire SIX (6) MONTH statute. cause the application to become ABAN	y be timely filed  30) days will be considered timely. IS from the mailing date of this commi	unication.
Status			
1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b)      3) Since this application is in condition for all closed in accordance with the practice unconditions.	This action is non-final. owance except for formal matter		erits is
Disposition of Claims			
4) Claim(s) 1-29 is/are pending in the application 4a) Of the above claim(s) is/are with 5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-29 are subject to restriction and Application Papers	ndrawn from consideration.		
` <u> </u>			
9) The specification is objected to by the Exam			
10)☐ The drawing(s) filed on is/are: a)☐ Applicant may not request that any objection to			
Replacement drawing sheet(s) including the co			121(4)
11) The oath or declaration is objected to by th			
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:  1. Certified copies of the priority docum 2. Certified copies of the priority docum 3. Copies of the certified copies of the application from the International Bu * See the attached detailed Office action for a	nents have been received. nents have been received in App priority documents have been re- reau (PCT Rule 17.2(a)).	lication No ceived in this National Stag	ge
Attachment(s)			
1) Notice of References Cited (PTO-892)	4) Interview Sum		
Notice of Draftsperson's Patent Drawing Review (PTO-948)     Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date	Paper No(s)/M  (08)  5) Notice of Inform  6) Other:	ail Date nal Patent Application (PTO-152)	)

Art Unit: 1772

1

## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16 and 20-25, drawn to a composition and process for producing the composition, classified in class 524, subclass 484.
  - II. Claims 17-19 and 26-29, drawn to an article, classified in class 428, subclass 35.7.
- 2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a sheet and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
- 3. A telephone call was made to Bradley A. Misley on September 9, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 1772

1

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

## Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number: 10/608,967

Art Unit: 1772

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh

09/14/04

HAROLD PYON
SUPERVISORY PATENT EXAMINER

112

Page 4